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SUMMARY
MEETING OF THE
CALIFORNIA STATE LANDS COMMISSION
STATE CAPITOL
ROOM 126
SACRAMENTO, CA 95814

CRUZ M. BUSTAMANTE, LIEUTENANT GOVERNOR, CHAIR
STEVE WESTLY, STATE CONTROLLER, MEMBER
DONNA ARDUIN, DIRECTOR OF FINANCE, MEMBER

December 9, 2003

ORDER OF BUSINESS

- I. **2:00 P.M. OPEN SESSION** CALENDAR ITEM REFERENCES TO AB 884
DENOTE THE PERMIT STREAMLINING ACT (CALIFORNIA GOVERNMENT
CODE SECTION 65920 ET SEQ.).

A SIGN LANGUAGE INTERPRETER WILL BE PROVIDED UPON ADVANCE
NOTIFICATION OF NEED BY A DEAF OR HEARING IMPAIRED PERSON.
SUCH NOTIFICATION SHOULD BE MADE AS SOON AS POSSIBLE PRIOR TO
DATE OF THE EVENT.

IF YOU NEED REASONABLE ACCOMMODATION, IN ORDER TO CONDUCT
BUSINESS WITH THE COMMISSION, FOR A DISABILITY AS DEFINED BY
THE FEDERAL AMERICANS WITH DISABILITIES ACT AND THE CALIFORNIA
FAIR EMPLOYMENT AND HOUSING ACT, PLEASE CONTACT THE
COMMISSION IN ADVANCE TO ARRANGE FOR SUCH ACCOMODATION.

- II. **CONFIRMATION OF MINUTES FOR THE MEETING OF NOVEMBER 13, 2003**
- III. **EXECUTIVE OFFICER'S REPORT**

IV. CONSENT CALENDAR C01 - C44 THE FOLLOWING ITEMS ARE CONSIDERED TO BE NON-CONTROVERSIAL AND ARE SUBJECT TO CHANGE AT ANY TIME UP TO THE DATE OF THE MEETING.

ANYONE WISHING TO ADDRESS AN ITEM ON THE AGENDA MAY COME FORWARD AND STATE THEIR NAME FOR THE RECORD.

LAND MANAGEMENT DIVISION

- C 01 MARK O'BRIEN (APPLICANT):** Consider application for a new Recreational Pier Lease of sovereign lands located in the Sacramento River, near the city of Sacramento, Sacramento County; for the construction of a new floating boat berth, pilings, and gangway. (W 25940; RA# 01403) (A 5; S 5) (Negotiator: R. Barham)
- C 02 MARVIN AND PATRICIA MCSWAIN (APPLICANTS):** Consider application for a new Recreational Pier Lease of sovereign lands located in the Sacramento River, near the town of Hood, Sacramento County; for the construction of a new floating boat dock, pilings, and gangway. (W 25945; RA# 02403) (A 15; S 5) (Negotiator: R. Barham)
- C 03 PATRICIA BOVA (APPLICANT):** Consider application for a new General Lease – Protective Structure and Recreational Use, of sovereign lands located in the San Joaquin River, at Atherton Cove in Stockton, San Joaquin County; for an existing floating boat dock, gangway, and linear bulkhead previously authorized by the Commission. (WP 6527.9; RA# 03503) (A 15; S 5) (Negotiator: R. Barham)
- C 04 RAYMOND W. WALKER (APPLICANT):** Consider application for a new Recreational Pier Lease of sovereign lands located in Steamboat Slough, Ryer Island, Solano County; for an existing debris deflector, pilings, walkway, and the reconstruction of a floating boat dock and gangway previously authorized by the Commission. (WP 7707.9; RA# 04303) (A 15; S 5) (Negotiator: R. Barham)
- C 05 DELTA BAY CLUB, A CALIFORNIA CORPORATION (LESSEE):** Consider application for an amendment to Lease No. PRC 7067.1, a General Lease - Commercial Use, of sovereign lands located in the San Joaquin River, Andrus Island, Sacramento County; to extend lease term and adjust rent. (WP 7067.1; RA# 04903) (A 15; S 5) (Negotiator: L. Burks)

- C 06 CITY OF LATHROP (APPLICANT):** Consider termination of Lease No. PRC 452.9 to the Division of Highways, a General Lease – Public Agency Permit, pursuant to Section 101.5 of the Streets and Highways Code, and consider application for a new General Lease – Public Agency Use, of sovereign lands located across the San Joaquin River, in the city of Lathrop, San Joaquin County; for continued use and maintenance of the existing Manthey Road Bridge (old Highway 50 bridge) and construction of a bike/pedestrian bridge. (W 25933; RA# 22402) (A 17; S 14) (Negotiator: L. Burks)
- C 07 RMC PACIFIC MATERIALS, INC. (APPLICANT):** Consider application for approval of a license and issuance of a General Lease - Industrial Use, of sovereign lands located in the Sacramento River, near the city of West Sacramento, Yolo County; for an existing pier and pilings. (WP 1992.1; RA# 17201) (A 8; S 5) (Negotiator: L. Burks)
- C 08 SACRAMENTO MUNICIPAL UTILITY DISTRICT (APPLICANT):** Consider application for a General Lease – Public Agency Use, of sovereign lands located in the Cosumnes River, near Rancho Seco, Sacramento County; for installation of a natural gas pipeline and fiber optic conduit. (W 25897; RA# 16501) (A 10; S 1) (Negotiator: L. Burks)
- C 09 SACRAMENTO MUNICIPAL UTILITY DISTRICT (LESSEE); CITIZENS TELECOMMUNICATIONS COMPANY OF CALIFORNIA, INC., A CALIFORNIA CORPORATION, DBA: FRONTIER COMMUNICATIONS COMPANY OF CALIFORNIA (CO-TENANT):** Consider application for an assignment and amendment to Lease No. PRC 1672.9, General Lease - Public Agency Use, of sovereign lands located in Snodgrass Slough, near the town of Vorden, Sacramento County; to place a fiber optic cable within SMUD's existing utility line and consent to a co-tenant within the existing right of way. (W 25950; WP 1672.9; RA# 03903) (A 15; S 1) (Negotiator: L. Burks)
- C 10 GRANT M. INMAN AND SUANNE B. INMAN, TRUSTEES OF THE INMAN LIVING TRUST UAD 5-9-89 (APPLICANTS):** Consider application for a new Recreational Pier Lease of sovereign lands located in Lake Tahoe, Rubicon Bay, El Dorado County, for an existing pier, boathouse, and buoys previously authorized by the Commission. (WP 3669.9; RA# 13100) (A 4; S 1) (Negotiator: B. Dugal)
- C 11 FLEUR DU LAC ESTATES ASSOCIATION (LESSEE/APPLICANT):** Consider an application for a new General Lease - Recreational Use, of sovereign lands located in Lake Tahoe, Tahoe Pines, Placer County; for existing boat slips, a pier, rock and steel sheet pile breakwaters, a portion of a boathouse, and wood pile jetties previously authorized by the Commission. (WP 6454.1; RA# 05098) (A 4; S 1) (Negotiator: B. Dugal)

- C 12 HIROKO NAKAZATO TRUST (APPLICANT):** Consider application for a Recreational Pier Lease of sovereign lands located in the bed of Lake Tahoe, Carnelian Bay, Placer County; for the proposed modification and expansion of an existing pier, a new boatlift and the retention of two existing mooring buoys. (W 8516; RA# 02202) (A 4; S 1) (Negotiator: M. Hays)
- C 13 TAHOE KEYS PROPERTY OWNERS ASSOCIATION (APPLICANT):** Consider application for a Dredging Lease to dredge material from sovereign lands located in Lake Tahoe, at the West Channel of Tahoe Keys, El Dorado County; disposal of the dredged material at an approved upland disposal site. (WP 5331; RA# 20402) (A 4; S 1) (Negotiator: M. Hays)
- C 14 CITY OF STOCKTON (APPLICANT):** Consider application for a new General Lease – Public Agency Use, of sovereign lands located in the San Joaquin River, in the city of Stockton, San Joaquin County; to conduct geotechnical borings. (W 25951; RA# 04803) (A 15, 17, 26; S 5, 14) (Negotiator: D. Jones)
- C 15 THE VIRGIN STURGEON, INC. (ASSIGNOR/SUBLESSEE); BUFFER PROPERTIES, LLC (ASSIGNEE/SUBLESSOR):** Consider application for the assignment and sublease of Lease No. PRC 5167.1, General Lease – Commercial Use, for a commercial marina and floating restaurant of sovereign lands located in the Sacramento River, in the city of Sacramento, Sacramento County. (WP 5167.1; RA# 04703) (A 5, 9; S 6) (Negotiator: D. Jones)
- C 16 TIKI LAGUN, LTD., A CALIFORNIA LIMITED PARTNERSHIP (ASSIGNOR); NAKAMURA FAMILY REVOCABLE TRUST (ASSIGNEES):** Consider application for the assignment of Lease No. PRC 4082.1, General Lease - Commercial Use, for a commercial marina of tide and submerged lands located in Whiskey Slough, near the city of Stockton, San Joaquin County. (WP 4082.1; RA# 06503) (A 15, 17, 26; S 5, 14) (Negotiator: D. Jones)
- C 17 TURLOCK IRRIGATION DISTRICT (LESSEE):** Consider application for an amendment to Lease No. PRC 8123.9, General Lease - Public Agency Use, of sovereign lands located in the Tuolumne River, near the city of Waterford, Stanislaus County; to add an additional lease area, for a salmon habitat restoration project. (WP 8123.9; RA# 22102) (A 14; S 25) (Negotiator: D. Jones)
- C 18 BIG VALLEY BAND OF POMO INDIANS (APPLICANT):** Consider application for a Dredging Lease to dredge material from granted sovereign lands for a marina, with minerals reserved to the State, located in Clearlake, Lake County; disposal of dredged material to be at an approved U. S. Army Corps of Engineers upland disposal site located on the Big Valley Rancheria. (W 25858; RA# 21301) (A 1; S 2) (Negotiator: G. Kato)

- C 19 ARNOLD G. HUNN AND SANDRA ANN HUNN (APPLICANTS):** Consider application for a new Recreational Pier Lease of sovereign lands located in the Sacramento River, near Los Molinos, Tehama County; for an existing boat dock and walkway previously authorized by the Commission. (WP 4782.9; RA# 05403) (A 4; S 2) (Negotiator: T. Lipscomb)
- C 20 SANDRAS CLARK (APPLICANT):** Consider application for a new Recreational Pier Lease of sovereign lands located in the Sacramento River, near Walnut Grove, Sacramento County; for the proposed construction, use, and maintenance of a floating boat dock and walkway. (W 25947; RA# 03003) (A 8, 15; S 5) (Negotiator: T. Lipscomb)
- C 21 INVESTORS OF KING'S ISLAND, INC. (LESSEE):** Consider the continuation of rent for Lease No. PRC 6846.1, a General Lease - Commercial Use, of tide and submerged lands located in Old River, at King's Island, near Byron, San Joaquin County, for floating boat docks. (PRC 6846.1)(A 15; S 7) (Negotiator: T. Lipscomb)
- C 22 BLINCOE FARMS, INC. (LESSEE):** Consider acceptance of a Lease Quitclaim Deed and Termination of Lease No. PRC 6840.2, a General Lease - Grazing Use, of school lands located in northeastern San Bernardino County. (PRC 6840.2) (A 34; S 18) (Negotiator: J. Porter)
- C 23 BLINCOE FARMS, INC. (LESSEE):** Consider acceptance of a Lease Quitclaim Deed and Termination of Lease No. PRC 4159.2, a General Lease - Grazing Use, of school lands located near Old Dad Mountain in San Bernardino County. (PRC 4159.2) (A 34; S 18) (Negotiator: J. Porter)
- C 24 FRANCIS ALVIN ELLINGWOOD (APPLICANT):** Consider application for a new Recreational Pier Lease of sovereign lands located in the Sacramento River, Walnut Grove, Sacramento County; for an existing gangway and pier previously authorized by the Commission. (WP 4764.9; RA# 05103) (A 8, 15; S 5,14) (Negotiator: N. Quesada)
- C 25 DUKE ENERGY MORRO BAY LLC (APPLICANT):** Consider application for a General Lease - Industrial Use, of sovereign lands located in the Pacific Ocean, Estero Bay, San Luis Obispo County; for continued maintenance of an existing marine terminal in caretaker status. (WP 1390.1; RA# 20702) (A 33; S 15) (Negotiator: J. Smith)
- C 26 CALAVERAS MATERIALS, INC. (APPLICANT):** Consider application for a General Lease – Right of Way Use, of sovereign lands located in the San Joaquin River, Fresno and Madera counties; for maintenance of bridge/culvert structures. (W 22507; RA# 06003) (A 25, 29; S 14) (Negotiator: J. Smith)

- C 27 CEDAR FLAT IMPROVEMENT ASSOCIATION (LESSEE):** Consider the revision of rent to Lease No. PRC 4173.1, a General Lease – Recreational Use, of sovereign lands located in Lake Tahoe, Cedar Flat, Placer County; for an existing pier and 21 mooring buoys. (PRC 4173.1) (A 4; S 1) (Negotiator: B. Young)
- C 28 ALFRED E. MOORE, JR. AND JOANNE L. MOORE, TRUSTEES, OR ANY SUCCESSOR TRUSTEES OF THE ALFRED E. MOORE, JR. AND JOANNE L. MOORE REVOCABLE TRUST, DATED JUNE 27, 1997 (APPLICANTS):** Consider application for a new Recreational Pier Lease, of sovereign lands located in Lake Tahoe, Rubicon Bay, El Dorado County; for the retention of two existing mooring buoys. (W 25944; RA# 01903) (A 4; S 1) (Negotiator: B. Young)
- C 29 HARMON E. BURNS AND SUSAN T. BURNS, TRUSTEES OF THE BURNS FAMILY TRUST, DATED APRIL 25, 1996 (APPLICANTS):** Consider application for a Recreational Pier Lease of sovereign lands located in Donner Lake, near Truckee, Nevada County; for the construction of a new pier. (W 25948; RA# 03103) (A 3; S 1) (Negotiator: B. Young)
- C 30 THE SOL AND NETTIE SCHERMAN FAMILY LIMITED PARTNERSHIP (APPLICANTS):** Consider application for a new Recreational Pier Lease, of sovereign lands located in Lake Tahoe, Tahoe City, Placer County; for an existing pier, covered boathouse and two mooring buoys previously authorized by the Commission. (WP 4859.9; RA# 21102) (A 4; S 1) (Negotiator: B. Young)
- C 31 MELVIN B. LANE AND JOAN F. LANE, AS TRUSTEES OF THE MELVIN B. LANE QUALIFIED PERSONAL RESIDENCE TRUST DATED AUGUST 20, 1999, AND MELVIN B. LANE AND JOAN F. LANE, AS TRUSTEES OF THE JOAN F. LANE QUALIFIED PERSONAL RESIDENCE TRUST DATED AUGUST 20, 1999 (LESSEES/APPLICANTS):** Consider termination of a Recreational Pier Lease, and consider application for a new Recreational Pier Lease of sovereign lands located in Lake Tahoe, South Lake Tahoe, El Dorado County; for the proposed modification of a new pier, placement of a new boat lift and two existing mooring buoys previously authorized by the Commission. (WP 8316.9; RA#11601) (A 4; S 1) (Negotiator: B. Young)
- C 32 EDWIN E. WRIGHT AND JUDITH A. WRIGHT (LESSEES), EDWIN E. WRIGHT AND JUDITH A. WRIGHT TRUSTEES, OR THEIR SUCCESSORS IN TRUST, UNDER THE WRIGHT TRUST, DATED NOVEMBER 22, 1983 AS AMENDED AND RESTATED ON JUNE 10, 1988 (APPLICANTS):** Consider termination of a Recreational Pier Lease, and consider application for a new Recreational Pier Lease of sovereign lands located in Lake Tahoe, Carnelian Bay, Placer County; for the proposed extension of a previously authorized pier, relocation of a boat lift and two existing mooring buoys. (WP 5751.9; RA#17502) (A 4; S 1) (Negotiator: B. Young)

- C 33 JAMES M. MCCLENAHAN AND MARGARET ANN MCCLENAHAN, TRUSTEES OF THE MCCLENAHAN FAMILY TRUST DATED FEBRUARY 22, 2001 (APPLICANTS):** Consider application for a Recreational Pier Lease of sovereign lands located in Donner Lake, near Truckee, Nevada County; for the reconstruction of an existing pier. (W 8670.80; RA#05703) (A 3; S 1) (Negotiator: B. Young)
- C 34 TRUCKEE-DONNER RECREATION AND PARK DISTRICT (LESSEE):** Consider application for an amendment to Lease No. PRC 4916.9, General Permit – Public Agency Use, of sovereign lands located in the bed of Donner Lake, Truckee, Nevada County; for the replacement of two existing damaged public piers previously authorized by the Commission and to authorize future pier replacements with a standard straight pier design. (WP 4916.9; RA# 15702) (A 3; S 1) (Negotiator: B. Young)
- C 35 TIMOTHY J. BALL AND CHRISTINE M. HOLZ TRUSTEES OF THE BALL/HOLZ LIVING TRUST DATED OCTOBER 19, 2001 (APPLICANTS):** Consider application for a new General Lease – Protective Structure Use, of sovereign lands located in the Santa Barbara Channel, Santa Barbara, Santa Barbara County; for an existing seawall previously authorized by the Commission. (WP 5809.1; RA# 01603) (A 35; S 19) (Negotiator: S.Young)

ADMINISTRATION

- C 36 CALIFORNIA STATE LANDS COMMISSION (PARTY):** Request authority for Executive Officer to solicit proposals for consultant services, negotiate fair and reasonable price, award and execute agreements for implementation of the Mitigation Monitoring Program adopted for the SFPP Kinder Morgan Pipeline project by the Commission on November 13, 2003. (W25815; PRC 5439.1; W30129 RA#10701) (A 8, 11; S 5, 7) (Negotiator: J. Brown, L. Burks, A. Cueva)
- C 37 CALIFORNIA STATE LANDS COMMISSION (PARTY):** Request authority for Executive Officer to solicit proposals for consultant services, negotiate fair and reasonable price, award and execute agreements for preparation of environmental documentation for the removal and/or abandonment of the offshore portion of the cooling water conduit which is no longer needed due to decommissioning of Southern California Edison SONGS Unit 1 in San Diego County. (WP3193; W30154; R20002) (A73; S38) (Negotiator: S. Jenkins, J. Smith, A. Cueva, D. Brown)
- C 38 CALIFORNIA STATE LANDS COMMISSION (PARTY):** Request authority for Executive Officer to solicit proposals for consultant services, negotiate fair and reasonable price, award and execute agreements for preparation of environmental documentation for the retention/modification of existing improvements associated with the Cabrillo (Encina) Power Plant in San Diego County at Carlsbad, California. Approval of this item by the Commission does not constitute approval of the proposed lease; it only authorizes consultant contracts for environmental review. (WP 871; W30131; R14200) (A74; S38) (Negotiator: S. Jenkins, J. Smith, A. Cueva, D. Brown)

LEGAL

- C 39 WEST SACRAMENTO HISTORICAL SOCIETY (APPLICANT):** Consider supporting the nomination by the West Sacramento Historical Society to the California Office of Historic Preservation of the First Pacific Coast Salmon Cannery Site as a California Historical Landmark, Sacramento River, city of West Sacramento, Yolo County. (W 25956) (A 08, S 05) (Negotiator: P. Griggs)
- C 40 CALIFORNIA STATE LANDS COMMISSION (PARTY):** Consider Memorandum of Understanding regarding Participation on the Torch-Platform Irene Oil Spill Trustee Counsel.(party) State Lands Commission (W30109.1) (A: Statewide, S: Statewide) (Negotiator: Mark Meier)
- C 41 CALIFORNIA STATE LANDS COMMISSION (PARTY):** Consider authorization to accept title to approximately 24 acres situated near the intersection of Jefferson and Lincoln Boulevards, Los Angeles County, and authorization to transfer that parcel and an adjacent, approximately, 36 acre parcel to the California Department of Fish and Game. (W 25505) (A 53; S 28) (Negotiator: L. Kiley)

MARINE FACILITIES DIVISION

- C 42 CALIFORNIA STATE LANDS COMMISSION (PARTY):** Consider adoption of emergency regulations modifying the fee to be used to implement the State's ballast water management programs for control of marine invasive species. (W 9777.234) (A: Statewide, S: Statewide) (Negotiator: M. Falkner, M. Meier)
- C 43 CALIFORNIA STATE LANDS COMMISSION (PARTY):** Consider approval of the form to be used to implement the State's Oil Transfer and Transportation Emission and Risk Reduction Act of 2002. (W9777.263) (A: Statewide, S: Statewide) (Negotiator: L. Prabhu, B. Scott, M. Meier)

MINERAL RESOURCES MANAGEMENT

- C 44 CITY OF LONG BEACH (APPLICANT):** Consider approval of the Final Report and Closing Statement for the Long Beach Unit Annual Plan (July 1, 2002 through June 30, 2003), Long Beach Unit, Wilmington Oil Field, Los Angeles County. (W 17156)(A 54; S 27) (Negotiator: A. Reid)

V.

REGULAR CALENDAR ITEM 45

- 45 ATLANTIC RICHFIELD COMPANY/ARCO LONG BEACH, INC., OCCIDENTAL PETROLEUM CORPORATION, AND CITY OF LONG BEACH (PARTIES):** Consider approval to release Atlantic Richfield Company as guarantor of performance under the Contractors' Agreement, the Tract 2 Agreement, the Optimized Waterflood Agreement, the Unit Agreement and the Unit Operating Agreement, Long Beach Unit, Wilmington Field, Los Angeles County. (W 17003, PRC 3455, W 17000.1) (A 54; S 29) (Negotiators: D. Mercier, M. Steinhilber)

VI. PUBLIC COMMENT

- VII. CLOSED SESSION** AT ANYTIME DURING THE MEETING THE COMMISSION MAY MEET TO CONSIDER POSSIBLE AND PENDING LITIGATION IN A SESSION CLOSED TO THE PUBLIC PURSUANT TO THE ATTORNEY-CLIENT PRIVILEGES (SEE GOVERNMENT CODE SECTION 11126). THE COMMISSION MAY CONSIDER MATTERS WHICH FALL UNDER GOVERNMENT CODE SECTION 11126 (e)(2)(B) or (2)(C)